

MINUTES OF MEETING
State Soil Conservation Board
Thursday, November 13, 2003
Natural Resources Education Center, Fort Harrison State Park
5785 Glenn Road, Indianapolis, Indiana

Present:

David L. Avery
Ellsworth P. Christmas
Paul J. Ehret
Peter A. Hippensteel
O. William Mann
Travis E. Nolcox
Garry Tom, Sr.

Absent:

Karen L. Dehne

Others present:

Kelley Barkell
Jennifer Bratthauar
Randy J. Braun
Sherman Bryant
Douglas Campbell
Dorothy A. Corns
Lyn Crighton
Dean Farr
James B. Farr
Sarah Garrison
Jane E. Hardisty

James M. Krejci
Ted McCammon
Harry S. Nikides
Douglas B. Nusbaum
James K. Ray
Stephanie Roth
Susan M. Schultz
Lynn Stevens
Kent D. Tracey
Marcus Turner
Julia B. Wickard

Chairman Pete Hippensteel called the meeting to order at 10:10 a.m. following conclusion of an executive session.

Minutes of September 10, 2003

David Avery moved to approve the minutes as drafted. The motion was seconded by Ellsworth Christmas and carried.

SWCD Recommendations for Supervisor Appointments and Reappointments

Division director Harry Nikides distributed listings of SWCD recommendations for new appointment and reappointment of supervisors to three-year terms commencing at the districts' annual meetings as follows:

District

Bartholomew
DeKalb
Gibson
Greene
Howard
Jasper
Jennings
Lake

New Appointments

John D. Rondot
Judy Strock
Jeff Ford
Robert Metzger
Michele L. Arvin
Harold A. Smith
Brad Armand *
Donna Molchan

Replacing

Clint Arnholt
Burnell Landes
Joe Kissell
John Allen
Jon Marley
Craig Stevens
Dan Megel
Brian Wietbrock

LaPorte	Ken Layton	Ray Hamilton
Lawrence	Neil Hayes *	Richard Huntrods
Miami	Jerry Miller	Ronnie Hileman
Noble	Gregg Cunningham *	Greg Flory
Orange	David Robinson *	John Hall
Scott	Dennis Wilson *	Robert Glenn
St. Joseph	Jim Gries	Steve Horvath
Tipton	Tom Ripberger	Scott Cessna
Vanderburgh	Lauren Preske	Tom Niksch
Wayne	Phil Jordan	Russell Turner

* changing from expiring elected position to appointed position

<u>District</u>	<u>Reappointment</u>	<u>District</u>	<u>Reappointment</u>
Adams	Gene Witte	Knox	Jim Utt
Allen	M. Tom Crowe	Kosciusko	Sherman Bryant
Benton	Dave Wettschurack	Marion	Robert L. Eddleman
Blackford	David Smith	Martin	Gene B. Sherfick
Boone	Andrew W. Padgett	Monroe	Todd Litten
Brown	Mike Miller	Montgomery	Kenneth Cain
Carroll	Myron Sink	Newton	Larry Strole
Clay	Marshall Nuckolls	Parke	Bill Ferguson
Dearborn	Bradley E. Dawson	Perry	Jeff Davis
Decatur	A. Brian Cruser	Posey	Priscilla M. Kelly
Delaware	Doug Scholer	Rush	Carol Holzback
Dubois	Glenn Menke	Spencer	David Ayer
Floyd	Neal T. Renn	Starke	Brad Lawrence
Franklin	Michael T. Schwab	Sullivan	Wayne Jackson
Fulton	Mike Norman	Tippecanoe	James J. King
Grant	Merrill Tibbets	Vermillion	Arthur Mayes
Hamilton	John Talbot	Vigo	Charley E. Hendricks
Hancock	Junior Burton	Wabash	Robt. Hettmansperger
Hendricks	Jeff Healy	Warren	Eric Brutus
Huntington	Kyle Lund	Warrick	Dana Hart
Jackson	David Abner	Washington	Frank Gottbrath
Johnson	Barry Barnett	Wells	Lynn Dettmer

The recommendations for appointment for Crawford and Fayette have not yet been received.

Garry Tom moved to approve the recommendations as presented for new appointment and reappointment of supervisors to three year terms commencing at the districts' annual meetings. The motion was seconded by Travis Nolcox and carried.

Conservation program coordinator Jim Krejci presented the resignation of Kari Phillips (A-04, Fayette) and recommendation for appointment of Joseph Waggener to complete the unexpired

term; the resignation of Kurt Fettig (E-04, Tipton) and recommendation for temporary appointment of Tom Ripberger until the district's next annual meeting; and the resignation of James M. Casper (E-05, Dearborn) and recommendation for temporary appointment of Cary B. Pickens until the district's next annual meeting.

Garry Tom moved to accept the resignations and recommendations for appointment and temporary appointment as presented for Fayette, Tipton, and Dearborn. The motion was seconded by Travis Nolcox and carried.

Clean Water Indiana

Division director Harry Nikides reported that he continues to work with districts that have proposed changes in their Clean Water Indiana projects. Districts will receive a survey form within the next week, with the responses to be compiled for the statewide reporting totals of accomplishments and expenditures.

Soil and Water Quality Programs

District Issues/Updates:

Chairman Hippensteel read a letter from the Porter SWCD supervisors declining the State Board's invitation to attend today's meeting to provide a report of the district supervisors' actions to resolve financial issues.

Ellsworth Christmas moved to initiate proceedings to conduct a hearing on the matter of removal of three Porter SWCD supervisors from office, per citation of malfeasance in the Attorney General's lawsuit. The motion was seconded by David Avery and carried with one negative vote.

David Avery moved to conduct the hearing on the alleged malfeasance by Porter SWCD supervisors on January 13, 2004, after the State Soil Conservation Board meeting; motion seconded. David Avery amended the motion to conduct the hearing after the January State Board meeting. The amendment was seconded by Travis Nolcox, and the motion carried as amended.

Garry Tom moved to hold the January State Soil Conservation Board meeting on January 6, 2004. The motion was seconded by Travis Nolcox and carried by voice and show of hands.

Education and SWCD Support:

Jim Krejci reported that staff have been providing assistance for the Lake Michigan Coastal Program. Krejci also advised that Brian Gauck, who was the conservation program specialist for east central counties prior to taking military leave, will not return to the Education and SWCD Support staff. Mark Evans, conservation program specialist for west central counties, has resigned to accept a position with Purdue Cooperative Extension Service.

Hoosier Riverwatch coordinator Lyn Crighton reported that 58 training workshops were held over the past summer. Several requests to conduct workshops had to be turned down due to the staff's high workload. Hoosier Riverwatch staff will begin working in cooperation with Purdue University Cooperative Extension Service on a three-year, six-state, volunteer-assisted research project for monitoring bacteria in streams and lakes.

Lake and River Enhancement:

Division land and water conservation program chief Jim Ray advised that two additional LARE items were ready for presentation, upon the State Soil Conservation Board's concurrence. Board members agreed to hear presentations for completion of the Indian Creek diagnostic study and consultant selection for the Lake George design project.

Agriculture conservation specialist Jennifer Bratthauar presented the selection of J.F. New and Associates for the design study at Lake George (Lake County). The City of Hobart will serve as local sponsor. The project involves shoreline stabilization, with a total cost of \$44,410.

David Avery moved to approve the consultant selection for the Lake George design study. The motion was seconded by Bill Mann and carried.

Bratthauar presented the completion report and request for final payment for the Indian Creek diagnostic study (Pulaski/Cass/Fulton/White). Approved in July 2001 at a total cost of \$35,000, the study focused on diagnosis of water quality problems and proposals for solutions. The creek is a tributary to the Tippecanoe River and has been identified by the US-EPA as having high potential for nutrient, sediment, and pesticide runoff. Recommendations from the study include: implementation of agricultural BMPs, slope stabilization, restoration of aquatic habitat, and improvement in channelization procedures. LARE funding totaled \$31,500. Staff recommends acceptance of the study report and final payment of \$4,725 to Pulaski SWCD, which served as lead district for the study.

Garry Tom moved to accept staff recommendation for completion of the Indian Creek diagnostic study and to approve final payment of \$4,725 to Pulaski SWCD. The motion was seconded by Paul Ehret and carried.

Bratthauar presented the completion report and request for final payment for the Pipe Creek-Potter Ditch, Little Pipe, Sugar, and Honey Creek watershed diagnostic study (Howard/Miami/Grant). Approved in July 2002 at a total cost of \$13,000, the study combined the land use study, performed in-house by conservation partnership staff, and water quality testing, carried out by a qualified consultant. Recommendations from the study include implementation of agricultural BMPs and a cooperative effort with the county health departments for landowner education on proper septic system care and maintenance. Bratthauar and Division resource specialists Kelley Barkell, Sarah Garrison, and Ted McCammon discussed the benefits of their participation in the study, specifically, savings in expense to the state and county and professional development for the staff performing the land use portion of the study. LARE funding totaled \$11,700. Staff recommends acceptance of the study report and final

payment of \$1,755 to Howard SWCD, which served as lead district, pending a required public information meeting scheduled for December 16, 2003.

Ellsworth Christmas moved to accept staff recommendation as presented for completion of the Pipe Creek-Potter Ditch, Little Pipe, Sugar, and Honey Creek watershed diagnostic study and to approve final payment of \$1,755 to Howard SWCD. The motion was seconded by Travis Nolcox and carried.

Agricultural conservation specialist Kent Tracey presented consultant selections for nine LARE projects approved for funding by the State Soil Conservation Board in July 2002 and July 2003. Staff recommends acceptance of the following seven proposals, per terms of the sponsors' original applications: Jimmerson Lake (Steuben), engineering feasibility study, Donan Engineering Company, project budget \$31,150; Syracuse Lake (Kosciusko), design study, DLZ Indiana LLC, project budget \$29,469; Little Cedar Lake (Whitley), design study, J.F. New & Associates, project budget \$14,010; Chapman Lake (Kosciusko), design/build, J.F. New & Associates, project budget \$67,670; Lake Wawasee-Griffith's Island (Kosciusko), design/build, J.F. New & Associates, project budget \$18,682; Big Turkey Lake (Steuben), design study, J.F. New & Associates, project budget \$34,370; and Putney Ditch (Kosciusko), design/build, J.F. New & Associates, project budget \$48,200. Tracey stated that the project sponsors solicited bids from three to six vendors for each of the projects, with one to four of the vendors responding.

Ellsworth Christmas moved to accept staff recommendations for seven consultant selections as presented. The motion was seconded by Garry Tom and carried.

Tracey presented the consultant selection for a design/build project at Crooked Lake (Whitley). Originally proposed as an engineering feasibility and design study estimated at \$13,500, J.F. New & Associates submitted a plan to the Crooked Lake Association to perform a design/build project that offers overall cost and time savings. Five vendors were solicited for the project; two vendors responded, including J.F. New. Total project budget is \$14,975. Staff recommends acceptance of Crooked Lake Association's request to change their proposal to a design/build project and to accept the Association's consultant selection.

Bill Mann moved to accept staff recommendations for changing the Crooked Lake proposal to a design/build project and for selection of J.F. New & Associates as project consultant. The motion was seconded by David Avery and carried.

Tracey presented the consultant selection for a design/build project at the Dillon Creek tributary to Lake Wawasee (Kosciusko). The original proposal called for wetland and sediment trap construction; however, the project sponsor, Wawasee Area Conservancy Foundation, was unable to obtain permits for the wetland design. The WACF has submitted an alternative design/build plan for installation of erosion and sediment control practices on Dillon Creek. Three consultants were solicited for the project, with two responding. The original proposal was estimated at \$52,000; the project budget with revision is \$51,830. Staff recommends acceptance of the Wawasee Area Conservancy Foundation's revised proposal and selection of J.F. New & Associates to carry out the design/build project.

David Avery moved to accept staff recommendations for changing the Lake Wawasee-Dillon Creek proposal to a design/build project and for selection of J.F. New & Associates as project consultant. The motion was seconded by Ellsworth Christmas and carried.

Jim Ray and agricultural conservation specialist Doug Nusbaum reported that water quality improvement projects utilizing the \$2 million livestock operations grant from the Indiana Department of Environmental Management have been completed. Copies were distributed of listings by county of the types of practices implemented and expenditures. Ray complimented the efforts of the conservation partnership to carry out the three-year initiative.

Ray presented drafts of policies and procedures for utilization of new LARE funding generated from the increase in fees paid by boat owners, which becomes effective January 1, 2004. The drafts were based on comments made at the public forum at Angola on September 9, 2003, and subsequent State Soil Conservation Board discussions. Ray reviewed the listing of funding maximums and sponsor matching amounts for sediment removal and exotic plant or animal control. Discussion ensued concerning the recommendation for a \$20,000 maximum grant for development of a sediment removal plan.

Garry Tom moved to allow a \$2,500 maximum for development of a sediment removal plan. The motion was seconded by Travis Nolcox and carried.

Board members concurred on the recommended maximums for other listed sediment removal practices but suggested further consideration at a future meeting for the grant amount and match on purchase or lease of dredging equipment.

Bill Mann moved to approve the amounts for maximum grants and sponsor match for sediment removal as discussed. The motion was seconded by Garry Tom and carried.

Pete Hippensteel remarked that Board consideration for grant maximums and sponsor match for exotic plant or animal control could be delayed until a later date, due to the optimum timing for application of control practices. Although funding could be awarded next July, actual treatment could not be undertaken until the following year; thus a short delay in the Board's consideration of this aspect would not impact new grant applications. The funding issues will be further discussed at the Board's next scheduled meeting.

Stormwater and Sediment Control:

Division stormwater and sediment control chief Randy Braun reported that eight districts have yet to request their eligible portion of Rule 5 fee distributions. The amount of unclaimed fees range from \$30-60 per district. Staff from Dubois SWCD have inquired regarding the potential for a change in the fee distribution policy, due to the level of technical assistance provided by district staff. Braun complimented the increased participation by district staff, explaining the current roles of Division and district staff for carrying out administrative activities, site

inspections, and plan reviews. Copies of the current policy were discussed, with staff and Board members commenting on the potential for continuing to increase the technical role of district staff through additional training. Staff was instructed to formulate a proposal for upgrading future fee distribution to districts, based on levels of expertise for carrying out technical requirements. Board members concurred that no adjustments would be made to the distribution amounts in the current policy. Chairman Hippensteel stated that he would respond to the Dubois SWCD staff inquiry.

Braun stated that Division stormwater staff are currently reviewing the draft updates to the erosion control handbook, in cooperation with a committee that includes local agency officials and private engineers. Division and IDEM staff are also reviewing MS4 procedures. The revised Rule 5 regulations were approved to become effective November 26, 2003.

Chairman's Report

Pete Hippensteel remarked on the continuing interest shown concerning potential availability for weed control and sediment removal funding through the LARE program. Hippensteel noted that the issues were among the hot topics discussed at the Indiana Lakes Management Society meeting, attended by about 150 people in late-October at Angola. Hippensteel also remarked about the number and variety of issues currently facing districts and the importance of keeping a positive focus on improvements.

Division Director's Report

Harry Nikides reported on Division staffing changes, including hiring of Missy Shaber to fill the Harrison-Crawford-Floyd resource specialist position, and the interviewing of candidates to fill the resource specialist vacancy in LaPorte-Porter and the aquatic biologist vacancy in the central office. Jerome Daugherty, resource specialist in Noble-Steuben, has submitted his resignation to accept a position with NRCS in Colorado.

DNR and NRCS have signed a new memorandum of understanding for technical assistance for carrying out Farm Bill provisions. The Division is also working with DNR divisions of Water and Fish & Wildlife to improve permitting-in-floodway procedures.

IDEM Report

Senior environmental manager Doug Campbell distributed copies listing the approved 2003 EPA Section 319 grant recipients. Several districts were awarded grants for watershed activities. Fifty-two applications for 2004 funding are currently under review.

State Association President's Report

Sherman Bryant reported on recent IASWCD activities including: 1) resolutions to be heard at the January 7, 2004, Association business meeting; 2) upcoming executive committee meeting on December 2 and board meeting on December 3, 2003; 3) recommendations for dedicated Clean Water Indiana funding at the recent Natural Resources Study Committee meeting; 4)

further promotion of carbon sequestration initiative; 5) recent meeting with Senator Meeks on the conservation reserve enhancement program.

NRCS State Conservationist's Report

Jane Hardisty reported on recent NRCS actions and workloads, including Farm Bill activities, staffing, program accomplishments, and funding. Hardisty distributed copies of the Fiscal Year 2003 Conservation Program Summary and discussed funding available under the respective programs.

Public Comment

Garry Tom inquired concerning status of Indiana's CREP application. Harry Nikides stated that a delay was encountered while state and federal attorneys reviewed document language concerning environmental assessment, and document signatures are currently being finalized.

Next Meeting

The next State Soil Conservation Board meeting will be Tuesday, December 9, 2003, at Indianapolis.

The meeting was adjourned at 12:50 p.m.

Minutes recorded by Dorothy Corns

Approved January 6, 2004:

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